

106TH CONGRESS
2D SESSION

S. 2474

To amend title 10, United States Code, to improve the achievement of cost-effectiveness results from the decisionmaking on selections between public workforces and private workforces for the performance of a Department of Defense function.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2000

Ms. SNOWE (for herself and Mr. SESSIONS) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to improve the achievement of cost-effectiveness results from the decisionmaking on selections between public workforces and private workforces for the performance of a Department of Defense function.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Defense
5 Cost Management and Accountability Act of 2000”.

1 **SEC. 2. MONITORING OF VALUE OF PERFORMANCE OF DE-**
 2 **PARTMENT OF DEFENSE FUNCTIONS BY**
 3 **WORKFORCES SELECTED FROM BETWEEN**
 4 **PUBLIC AND PRIVATE WORKFORCES.**

5 (a) REQUIREMENT FOR SYSTEM.—Chapter 146 of
 6 title 10, United States Code, is amended by adding at the
 7 end the following:

8 **“§ 2475. Public-private workforce selections: system**
 9 **for monitoring value**

10 “(a) SYSTEM FOR MONITORING PERFORMANCE.—(1)
 11 The Secretary of Defense shall establish a system for mon-
 12 itoring the performance of functions of the Department
 13 of Defense that—

14 “(A) are performed by 50 or more employees of
 15 the department; and

16 “(B) have been subjected to a workforce review.

17 “(2) In this section, the term ‘workforce review’, with
 18 respect to a function, is a review to determine whether
 19 the function should be performed by a workforce composed
 20 of Federal Government employees or by a private sector
 21 workforce, and includes any review for that purpose that
 22 is carried out under, or is associated with, the following:

23 “(A) Office of Management and Budget Cir-
 24 cular A-76.

25 “(B) A strategic sourcing.

26 “(C) A base closure or realignment.

1 “(D) Any other reorganization or reengineering
2 of an organization.

3 “(b) PERFORMANCE MEASUREMENTS.—The system
4 for monitoring the performance of a function shall provide
5 for the measurement of the costs and benefits resulting
6 from the selection of one workforce over the other work-
7 force pursuant to a workforce review, as follows:

8 “(1) The costs incurred.

9 “(2) The savings derived.

10 “(3) The value of the performance by the se-
11 lected workforce measured against the costs of the
12 performance of that function by the workforce per-
13 forming the function as of the beginning of the
14 workforce review, as the workforce then performing
15 the function was organized.

16 “(c) ANNUAL REPORT.—The Secretary shall submit
17 to Congress, not later than February 1 of each fiscal year,
18 a report on the measurable value of the performance dur-
19 ing the preceding fiscal year of the functions that have
20 been subjected to a workforce review, as determined under
21 the monitoring system established under subsection (a).
22 The report shall display the findings separately for each
23 of the armed forces and for each Defense Agency.

24 “(d) CONSIDERATION IN PREPARATION OF FUTURE-
25 YEARS DEFENSE PROGRAM.—In preparing the future-

1 years defense program under section 221 of this title, the
 2 Secretary of Defense shall, for the fiscal years covered by
 3 the program, estimate and take into account the costs to
 4 be incurred and the savings to be derived from the per-
 5 formance of functions by workforces selected in workforce
 6 reviews. The Secretary shall consider the results of the
 7 monitoring under this section in making the estimates.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of such chapter is amended by adding
 10 at the end the following:

“2475. Public-private workforce selections: system for monitoring value.”.

11 **SEC. 3. ADVANCE CONGRESSIONAL NOTIFICATION OF CON-**
 12 **VERSIONS.**

13 (a) CERTIFICATION OF NONCONSIDERATION OF PER-
 14 SONNEL LIMITATIONS.—Paragraph (1) of section 2461(c)
 15 of title 10, United States Code, is amended—

16 (1) by redesignating subparagraphs (C), (D),
 17 and (E) as subparagraphs (D), (F) and (G); and

18 (2) by inserting after subparagraph (B), the
 19 following new subparagraph (C):

20 “(C) The Secretary’s certification that the fac-
 21 tors considered in the examinations performed under
 22 subsection (b)(3), and in the making of the decision
 23 to change performance, did not include any predeter-
 24 mined personnel constraint or limitation in terms of

1 man years, end strength, full-time equivalent posi-
2 tions, or maximum number of employees.”.

3 (b) SUBMISSION OF LOCAL ECONOMIC IMPACT
4 STUDY.—Such paragraph (1), as amended by subsection
5 (a), is further amended by inserting after subparagraph
6 (D) the following new subparagraph (E):

7 “(E) A statement of the potential economic ef-
8 fect of the change on each affected local community,
9 as determined in the examination under subsection
10 (b)(3)(B)(ii).”.

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